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ABSTRACT

This lesson plan provides background on six significant historical documents: (1) "Meeting at Runnymede--The Story of King John and the Magna Carta"; (2) "The Mayflower Compact"; (3) "The Declaration of Independence and Natural Rights"; (4) "The Federalist Papers"; (5) "Aristotle: In Search of the Best Constitution"; and (6) "The Pledge of Allegiance." The lesson focuses on each document and provides activities and questions of students to investigate the circumstances for each historical document. The aim of the lesson is to reflect on the events of September 11, 2001, by studying the foundations of the United States Constitution. (BT)

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Constitutional Rights Foundation

Reflecting on September 11

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Reflecting on September 11
Foundations of Our Constitution

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Reflecting on September 11
Foundations of Our Constitution

Meeting at Runnymede
The Story of King John and Magna Carta

Myth and history are intertwined in the England of 800 years ago. We all remember the outlaw, Robin Hood. From his hideout in Sherwood Forest, he and his band of Merry Men preyed on the rich and gave to the poor. Their archenemy was the Sheriff of Nottingham, who took his orders from the sinister Prince John. While Robin Hood never existed, John certainly did. He was the central character in a real life drama that led to a milestone in human liberty: Magna Carta.

Prince John's older brother, Richard, became king of England when their father, Henry II, died in 1189. King Richard I (also called Richard the Lionhearted) spent almost the entire 10 years of his reign away from England. He fought in tournaments, led crusades and waged several wars on the continent of Europe.

Since Richard needed revenue to pay for his adventures, he taxed his subjects heavily. At one point Richard was captured by his enemies and held for ransom (a common practice in feudal Europe). Richard's tax collectors in England had to raise an enormous sum of money to free him. Despite Richard's demands, the people back home in England loved him as a conquering hero.

When Richard died in 1199, John became King. Unlike his brother, John tended to stay at home and run his kingdom on a day to day basis. John, however, continued his brother's harsh tax policy. Because John lacked Richard's heroic image and charisma, his subjects began to hate him for his constant demands for more tax money.

King John vs. the Church

King John made more enemies when he refused to accept the appointment of Stephen Langton as Archbishop of Canterbury, the most important position in the English Catholic Church. By so doing, John challenged the authority of Pope Innocent III in Rome, who punished John by excommunication. John retaliated by taxing the Church in England, confiscating its lands and forcing many priests to leave their parishes.

While King John carried on his dispute with the Pope, powerful English landowners called barons conspired against him. Fuming over John's heavy taxes and other abuses of power, the barons plotted rebellion. To head them off, King John made an unexpected move.

In 1212, King John agreed to have Stephen Langton become Archbishop of Canterbury.

John also promised to compensate the Church for its money and lands. John even went so far as to make England a fief of the Pope. King John still ruled England, but, as John's liege lord, the Pope gained tremendous prestige throughout Europe. Pope Innocent was delighted and in 1213 ended John's excommunication. With John now under the protection of the Church, the resentful barons retreated—at least for a while.

King John vs. the Barons

Convinced that his throne was again safe, King John returned to one of his favorite projects. For years he had dreamed to retake possession of lands in France that had once belonged to his ancestors. Once before, John had led a military expedition to France. Although he won a number of battles, John failed to decisively defeat the French king. Now, in 1213, John planned another campaign.

An invasion of France required many soldiers and more money. Under feudal law, a liege lord had the right to call upon his vassals to provide knights or money during times of war. From the English barons, all vassals of King John, he demanded men-at-arms or gold to support his new French war. Many of the barons refused, having little interest in John's quarrel with the French king. Enraged, King John set out to punish them by attacking their castles.

Early in 1214, he abandoned his domestic quarrels and left with a force of loyal barons and mercenaries (paid soldiers) for France. History repeated itself. John succeeded in winning some battles, but failed to gain control of the disputed lands.

The Road to Runnymede

Soon after returning to English soil in October 1214, King John resumed his demand for money from the rebellious barons. His demands fell on deaf ears. Sensing John's weakness after his failure in France, the barons began to make their own demands. In January 1215, a group of them appeared before King John asking for a written charter from him confirming ancient liberties granted by earlier kings of England. Evidence suggests that the newly appointed Archbishop Stephen Langton may have encouraged these demands.

John decided to stall for time; he would give the barons an answer later in the spring. In the meantime, John sent letters to enlist the support of Pope Innocent III, and also began to assemble a mercenary army.

In April, the barons presented John with more specific demands. John flatly rejected them. He remarked: "Why do not the barons, with these unjust exactions, ask my kingdom?"

In response, the barons withdrew their allegiance to King John, and started to form their own rebel army. At the head of the rebel forces was Robert FitzWalter, who called himself "Marshal of the army of God and Holy Church." In an effort to cool things off, John proposed that the Pope settle their differences. With the Pope openly siding with King John, the barons refused. John ordered his sheriffs to crush the rebel barons and

they retaliated by occupying London.

A stalemate ensued. The 40 or so rebel barons and their forces held London as well as their own fortified castles throughout England. King John commanded a slightly smaller force of loyalist barons and mercenaries. Unaligned were about 100 barons plus a group of church leaders headed by the ever-present Archbishop Stephen Langton. Langton (who was sympathetic to the rebels if not one himself) began to work for a negotiated settlement to prevent all-out civil war and arranged a meeting to be held at Runnymede, a meadow on the Thames west of London.

Meeting at Runnymede

King John and his supporters, the rebel barons, the neutrals, church leaders and Archbishop Langton all met at Runnymede on June 15, 1215. Significantly, while most of King John's fighting men were scattered throughout his kingdom, the rebels appeared at full military strength.

Little is known about the details of this historic meeting. We do know that King John placed his seal of approval on a document called the "Articles of the Barons." Over the next few days these articles were rewritten, expanded, and put into the legal language of a royal charter.

At some point, probably on June 19, King John put his seal on the final draft of what we call today "Magna Carta" or "The Great Charter." In exchange, the rebellious barons renewed their oath of allegiance to King John, thus ending the immediate threat of civil war.

In its original form Magna Carta consisted of 63 articles or chapters. Many concerned matters of feudal law that were important to the rebel barons, but are of little relevance to us today. Other parts of Magna Carta corrected King John's abuses of power against the barons, Church officials, merchants and other "free men" who together made up about 25% of England's population. Magna Carta virtually ignored the remaining 75% of the population.

For people today the most significant part of Magna Carta is Chapter 39:
No free man shall be arrested or imprisoned or disseised [property taken] or outlawed or exiled or in any way victimized, neither will we attack him or send anyone to attack him, except by the lawful judgment of his peers or by the law of the land.
Some have interpreted this provision to mean that Magna Carta guaranteed to free men the right to a trial by jury. However, the idea of a jury trial as we would recognize it today had not yet developed by 1215.

The purpose of this chapter was to prevent King John from personally ordering the arrest and punishment of a free man without lawful judgment. According to Magna Carta, "lawful judgment" could only be made by judges ruled by "the law of the land," or by one's peers in a trial by combat.

Magna Carta of 1215 was not really intended to be a list of rights for Englishmen or even the barons themselves. It was more like a contract in which John bound himself to abide by its provisions. The barons only wanted King John to satisfy their complaints against his abusive rule, not overthrow the monarchy. The real significance of this document lies in the basic idea that a ruler, just like everyone else, is subject to the rule of law. When King John agreed to Magna Carta, he admitted that the law was above the king's will, a revolutionary idea in 1215.

Aftermath

King John surrendered significant power when he agreed to Magna Carta. It is doubtful that he really ever intended to live up to all his promises. While John did satisfy some of the barons' personal grievances, he secretly wrote the Pope asking him to cancel Magna Carta on the grounds that he signed it against his will. At the same time he continued to build up his mercenary army. Not trusting John's intentions, the rebel barons held on to London and maintained their own army.

Pope Innocent III replied favorably to King John's appeal. He condemned Magna Carta and declared it null and void. By September 1215, King John and his army were roving the countryside attacking the castles of individual barons, but he avoided the rebel stronghold of London. The barons charged that King John had defaulted on his agreement with them and they were justified in removing him from the throne. They offered the throne to the son of the French king, if he would aid their rebellion.
A long and bloody civil war loomed across England, when suddenly, King John died. A round of heavy eating and drinking apparently led to a case of dysentery causing his death on October 18, 1216. Ten days later John's nine-year-old son, Henry, was crowned as the new king of England. With John out of the way, the conflict gradually ceased. Less than a month after Henry was crowned, his supporters confirmed Magna Carta in his name. This time it received the approval of the Pope.

Magna Carta, carrying with it the idea of "the rule of law," was reconfirmed a number of times over the next 80 years, becoming a foundation of English law. Eventually, Magna Carta would become the source of important legal concepts found in our American Constitution and Bill of Rights. Among these are the principle of no taxation without representation and the right to a fair trial under law. These foundations of our own constitutional system had their beginnings in a meadow beside a river almost 800 years ago.

The complete text of Magna Carta can be found at
http://www.law.ou.edu/hist/magna.html

Meeting at Runnymede
The Story of King John and Magna Carta
ACTIVITY

1. Form the class into small groups of three to five students. Assign one of the questions below to each group.

2. Tell them to find evidence in the article above that supports the correct answer for their assigned question.

3. Have each group report the correct answer to the class and support their choice with they evidence it found in the article above.

Questions

1. Which one of the following was the main goal of the barons in forcing King John to agree to Magna Carta in 1215?

   a. to establish freedom for all Englishmen
   b. to establish a bill of rights for English free men
   c. to force King John to correct numerous abuses against the barons
   d. to overthrow King John

2. Which one of the following was the main goal of King John in agreeing to sign Magna Carta?

   a. to regain the allegiance of the rebel barons
   b. to establish a bill of rights for English free men
   c. to increase his popularity among the common people
   d. to gain the support of Pope Innocent III

3. King John demanded soldiers or money from his barons in order to carry on a war in France over disputed lands. Many of the barons believed that the dispute between John and the French king was none of their business. So, they refused to send King John knights or pay what amounted to a special tax. King John invaded France anyway, but suffered a defeat and was forced to return home. Why did many of King John's barons refuse to fight the French?

   a. They thought King John's taxes were too high.
   b. They feared they would be defeated by the French.
   c. They did not believe warfare was the right way to settle the dispute with France.
   d. They did not believe in King John's cause.

4. Which one of the following pairs of words best describes King John?

a. cruel and cowardly
b. intelligent and heroic
c. cautious and crafty
d. honest and straightforward

5. In his biography of King John, W.L. Warren concludes: "He had the mental abilities of a great king, but the inclinations of a petty tyrant." Which one of the following statements best repeats Warren's conclusion?

a. King John was smart.
b. King John was a petty tyrant.
c. King John was a great king.
d. King John wasted his potential.

6. Historians say that Magna Carta is more important than the sum of its parts. Which one of the following statements best explains this viewpoint?

a. There are 63 chapters plus an introduction to Magna Carta.
b. All 63 chapters of Magna Carta are not as important as the fact that King John accepted the rule of law over his personal will.
c. Most of the provisions of Magna Carta relate to free men.
d. Magna Carta is England's Constitution.

7. "A free man shall not be amerced [punished] for a trivial offense except in accordance with the degree of the offense, and for a grave offense he shall be amerced in accordance with its gravity . . . ." Which one of the following statements best explains the provision of Magna Carta quoted above?

a. Free men should not be punished for minor offenses.
b. Let the punishment fit the crime.
c. Those accused of both minor and major crimes have a right to defend themselves in a court of law.
d. All lawbreakers should be harshly punished.

8. Which one of the following is the best example of "the rule of law"?

a. King John arrests and imprisons anyone who opposes his rule.
b. The barons declare they will not provide soldiers or pay money to King John for his proposed invasion of France.
c. Pope Innocent III proclaims Magna Carta null and void.
d. Magna Carta forbids King John to interfere with the appointment of Church officials.

9. Which one of the following statements about Magna Carta is not a fact but an opinion?

a. Magna Carta put the law above the king.
b. Magna Carta limited the power of the king.
c. Some of the ideas in Magna Carta were later included in our own Constitution.
d. Magna Carta is the greatest statement for liberty written in the English language.

Essay Activity

Write an essay supporting or disproving any one of the hypotheses listed below.

Magna Carta is such an important document in human history because:

a. Magna Carta introduced the idea of "the rule of law" to England and later to America.
b. Magna Carta curbed the abuses of King John.
c. Magna Carta restored peace between King John and the barons.
d. Magna Carta included many important civil rights and liberties for all Englishmen.

For Further Reading

McKechnie, William Sharp. Magna Carta, A Commentary On the Great Charter of King John. 2nd ed. New York: Burt Franklin, 1958.
Warren, W.L. King John. Berkeley, Calif.: University of California Press, 1961.

Correct answers for Magna Carta Questions:
1c; 2a; 3d; 4c; 5d; 6b; 7b; 8d; 9d

Reflecting on September 11
Foundations of the Constitution

The Mayflower Compact

If they looked behind them, there was the mighty ocean which they had passed...to separate them from all the civil parts of the world.

-- William Bradford

The 102 passengers on the Mayflower were divided into two groups. Only 41 of them were Pilgrims--religious dissenters called Separatists, who had fled England for Holland. Now they sought a new life in America where they could practice their religion in the manner they chose. The rest of the passengers, called "strangers" by the Pilgrims, included merchants, craftsmen, skilled workers and indentured servants, and several young orphans. All were common people. About one-third of them were children.

The Pilgrims had organized the voyage. William Brewster and the other Pilgrim leaders had secured the right to settle on land claimed by the Virginia Company near the mouth of the Hudson River. To raise money for the voyage the Pilgrims signed a contract with a group of London stockholders. In return the stockholders would share in the profits of the planned colony. The Pilgrims had rounded up the "strangers" to increase the chances of success for their enterprise.

The 3,000-mile voyage across the Atlantic lasted more than two months. When they finally sighted land on November 9, 1620, the captain of the Mayflower knew right away that they were at Cape Cod, far north of their destination. The captain headed the Mayflower southward, but dangerous sand bars and heavy seas forced them to turn back. The Mayflower finally dropped anchor in a harbor at the tip of Cape Cod. Rather than chancing more days at sea, the Pilgrims decided to land.

Almost immediately, an argument broke out. According to William Bradford (who later wrote an account of the Pilgrims' experiences) several "strangers" made "discontented and mutinous speeches." They apparently argued that, since the Cape Cod area was outside the jurisdiction of the Virginia Company, its rules and regulations no longer applied. The troublemakers threatened to do as they pleased "for none had power to command them," wrote William Bradford. Three thousand miles from home, a real crisis faced the colonists even before they stepped ashore.

The Mayflower Compact

Imagine the situation: over 100 people, cut off from any government, with a rebellion brewing. Only staunch determination would help the Pilgrims land and establish their colony. If they didn't work as a group, they could all die in the wilderness.

The Pilgrim leaders realized that they needed a temporary government authority. Back home, such authority came from the king. Isolated as they were in America, it could only come from the people themselves. Aboard the Mayflower, by necessity, the Pilgrims and "Strangers" made a written agreement or compact among themselves.

The Mayflower Compact was probably composed by William Brewster, who had a university education, and was signed by nearly all the adult male colonists, including two of the indentured servants. The format of the Mayflower Compact is very similar to the written agreements used by the Pilgrims to establish their Separatist churches in England and Holland. Under these agreements the male adult members of each church decided how to worship God. They also elected their own ministers and other church officers. This pattern of church self-government served as a model for political self-government in the Mayflower Compact.

The colonists had no intention of declaring their independence from England when they signed the Mayflower Compact. In the opening line of the Compact, both Pilgrims and "Strangers" refer to themselves as "loyal subjects" of King James. The rest of the Mayflower Compact is very short. It simply bound the signers into a "Civil Body Politic" for the purpose of passing "just and equal Laws . . . for the general good of the Colony." But those few words expressed the idea of self-government for the first time in the New World.

Self-Government Takes Root

Immediately after agreeing to the Mayflower Compact, the signers elected John Carver (one of the Pilgrim leaders) as governor of their colony. They called it Plymouth Plantation. When Governor Carver died in less than a year, William Bradford, age 31, replaced him. Each year thereafter the "Civil Body Politic," consisting of all adult males except indentured servants, assembled to elect the governor and a small number of assistants. Bradford was re-elected 30 times between 1621 and 1656.

In the early years Governor Bradford pretty much decided how the colony should be run. Few objected to his one-man rule. As the colony's population grew due to immigration, several new towns came into existence. The roving and increasingly scattered population found it difficult to attend the General Court, as the governing meetings at Plymouth came to be called. By 1639, deputies were sent to represent each town at the other General Court sessions. Not only self-rule, but representative government had taken root on American soil.

The English Magna Carta, written more than 400 years before the Mayflower Compact, established the principle of the rule of law. In England this still mostly meant the king's law. The Mayflower Compact continued the idea of law made by the people. This idea lies at the heart of democracy.

From its crude beginning in Plymouth, self-government evolved into the town meetings of New England and larger local governments in colonial America. By the time of the Constitutional Convention, the Mayflower Compact had been nearly forgotten, but the

powerful idea of self-government had not. Born out of necessity on the Mayflower, the Compact made a significant contribution to the creation of a new democratic nation.

The complete text of the Mayflower Compact can be found at
http://www.law.ou.edu/hist/mayflow.html

The Mayflower Compact
Activities

For Discussion and Writing

1. What two groups comprised the passengers on the Mayflower? How were they different from each other? How similar?

2. What events forced the passengers on the Mayflower to write and sign the Mayflower Compact?

3. What facts in the article support the argument that the Pilgrims were democratic? What facts support the view that they were not democratic?

4. What is the most important idea contained in the Mayflower Compact? What are some other ideas it contains?

For Further Reading

Bradford, William. Of Plymouth Plantation. Samuel Eliot Morison, ed. New York: Alfred A. Knopf, 1952.
Donovan, Frank R. The Mayflower Compact. New York: Grosset & Dunlap, 1968.

ACTIVITY

Mayflower II

The year is 2020, and the American spaceship Mayflower II has landed on Mars, exactly 400 years after the first Mayflower reached the New World. Aboard the Mayflower II are a team of scientists and a larger group of skilled workers. The mission of this voyage is to construct a research base on Mars for scientific observations and experiments. Unfortunately, due to a malfunction, the Mayflower II crash-landed in an area outside that designated for U.S. exploration by a United Nations treaty. This territory is not within the jurisdiction of any Earth nation.

Although the crash disabled the Mayflower II and its radio, all personnel as well as the supplies and life support systems survived intact. The scientists and workers will be able to live in the Mayflower II and build structures outside the spacecraft. They expect a rescue ship will be sent, but not for many months.

Shortly after the Mayflower II crashed, an argument broke out between the scientists and workers. The workers claimed that the whole purpose of the project had changed from scientific research to survival. Since the workers know how to build a survival base, they can take care of themselves. The workers also pointed out that because they are in an area of Mars outside the jurisdiction of the United States, they are not bound to obey the

orders of the scientists (or any laws for that matter).

The scientists rejected these views, and argued that they had been put in charge of the project back on Earth and therefore should remain in control until the rescue ship arrives. They also reminded the workers that their superior education and training as scientists make them the logical ones to lead the group in this alien environment.

After wrangling over these matters for a while, the scientists and the workers finally agreed to work out a written compact that would provide the basis for a government until the relief ship appears.

Procedure

1. Imagine your class is the group of men and women stranded on Mars.

2. Separate the class into two groups:

   - Scientists (about one-third)
   - Workers (about two-thirds).

3. Hold a meeting where you discuss and vote on an answer to each of the following questions:

   - Should there be a single leader or a group of leaders?
   - How should the leader or leaders be selected?
   - Who should make the laws?
   - How should the lawmaker or lawmakers be selected?
   - Should a police force be established to enforce the laws? If so, how should the police force be selected?
   - Should a judge or judges be selected to preside over trials? If so, how should the judge or judges be selected?
   - What general rule should determine how work is to be accomplished?
   - What rights should everyone have?

4. After discussing and voting on answers to the questions, write up the results in a Mayflower II Compact.

5. Take a final vote. Decide whether approval of the compact should require unanimous agreement, a two-thirds majority or a simple majority. After voting on the Mayflower II Compact, all those agreeing should sign it.

6. Debrief by asking "What similarities and what differences do you see between the circumstances surrounding the signing of your Mayflower II Compact and the circumstances surrounding the signing of the original Mayflower Compact in 1620?"

Reflecting on September 11
Foundations of the Constitution

The Declaration of Independence and Natural Rights

Thomas Jefferson, drawing on the current thinking of his time, used natural rights ideas to justify declaring independence from England.

Thomas Jefferson [http://www.whitehouse.gov/history/presidents/tj3.html], age 33, arrived in Philadelphia on June 20, 1775, as a Virginia delegate to the Second Continental Congress. Fighting at Lexington, Concord, and Bunker Hill had already broken out between the colonists and British troops. Even so, most in Congress wanted to work out some mutual agreement with the mother country.

For more than a year, the Americans had sent petitions to England proclaiming their grievances against the British government. Colonists even appealed to the British people, pleading with them to elect different members of Parliament who would be more open to compromise. But the "British brethren" refused to do this.

Soon after Jefferson arrived in Philadelphia, Congress assigned him to draft a document explaining why the colonists had taken up arms against England. Even at this late date, the Congress still blamed only Parliament and the king's government ministers, not King George himself, for the growing conflict. Jefferson's Declaration of the Causes and Necessity for Taking Up Arms [http://odur.let.rug.nl/%7Eusa/D/1751-1775/war/causes.htm] stopped short of declaring independence, but pointed out the folly of governing the American colonies from England.

Neither Parliament nor King George, however, were interested in negotiations to prevent all-out war. In August 1775, King George issued a proclamation [http://www.carleton.ca/%7Epking/docs/docs75.htm#8] charging that the Americans "had proceeded to open and avowed rebellion." A few months later, Parliament passed a significant act [http://www.carleton.ca/%7Epking/docs/docs75.htm#10] that placed the American colonies outside the king's protection. This act allowed the seizing of American ships, justified the burning of colonial towns, and led to sending war ships and troops, including foreign mercenaries, to put down the rebellion. Meanwhile, the royal governor of Virginia offered freedom to slaves who joined the British cause. These actions by the British king and government inflamed Americans who were undecided about independence and made war with England all but certain.

In May 1776, the Continental Congress took a fateful step and passed a resolution [http://www.carleton.ca/%7Epking/docs/docs76.htm#1] that attacked King George himself. This was not the first time in English history that such a thing had occurred. In

1688, Parliament had similarly denounced King James II. This led to the so-called Glorious Revolution [http://www.thecore.nus.edu.sg/landow/victorian/history/Glorious_Revolution.html], which drove James off the throne. Now, almost 100 years later, a formal declaration of independence by the Continental Congress was the only thing standing in the way of a complete break with King George.

The Declaration of Independence

Even before the Continental Congress declared independence, most colonies along with some towns, counties, and even private organizations had issued their own declarations. In most cases, these statements detailed British abuses of power and demanded the right of self-government.

On June 8, 1776, the Continental Congress voted to write a declaration of independence and quickly appointed a committee to draft a formal document. But the job of actually writing the draft fell to Thomas Jefferson, mainly because John Adams and other committee members were busy trying to manage the rapidly escalating war with England.

Working off and on while attending to other duties, Jefferson completed his draft [http://odur.let.rug.nl/%7Eusa/D/1776-1800/independence/doitj.htm] of the declaration in a few days. He argued in his opening two paragraphs that a people had the right to overthrow their government when it abused their fundamental natural rights over a long period of time. Then in a direct attack on King George, Jefferson listed 20 instances when the king violated the rights of the American colonists. Having thoroughly laid out his proof that the king was a "tyrant" who was "unfit to be the ruler of a people," Jefferson continued on to condemn the British people. "These unfeeling brethren," he wrote, had reelected members of Parliament who had conspired with the king to destroy the rights of the colonists. Jefferson ended his draft by stating, "we do assert and declare these colonies to be free and independent states. . . ."

When Jefferson submitted his draft to the Congress on June 28, the delegates spent little time on his opening paragraphs, which today are the most famous parts of the Declaration of Independence. Instead, they concentrated on Jefferson's list of grievances against King George and the British people.

The delegates made some small changes to improve the Declaration's clarity and accuracy. But they also ripped apart the last sections of Jefferson's draft, deleting about 25 percent of it. They eliminated most of his harsh language directed against the British people and totally cut out Jefferson's passionate assault on slavery and the slave trade.

The removal of the section on slavery, Jefferson's last grievance against the king, probably resulted from objections by Southern slave-holding delegates. But Jefferson's argument was weakened when he blamed the king alone for continuing the slave trade and then condemned him for offering freedom to slaves who joined the British in fighting the American rebels.

Jefferson grew depressed as more and more of his words were cut or changed. He later wrote that the Congress had "mangled" his draft.

On July 2, 1776, the Continental Congress voted to declare the independence of the American colonies from English rule. On the Fourth of July, they approved the final edited version of the Declaration of Independence [http://odur.let.rug.nl/%7Eusa/D/1776-1800/independence/doi.htm]. There would be no turning back now.

Natural Rights

The members of the Continental Congress made only two minor changes in the opening paragraphs of Jefferson's draft declaration. In these two paragraphs, Jefferson developed some key ideas: "all men are created equal," "inalienable rights," "life, liberty, and the pursuit of happiness." Where did Jefferson get these ideas?

Jefferson was a man of the Enlightenment [http://www.fordham.edu/halsall/mod/modsbook10.html]. This was the period during the 17th and 18th centuries when thinkers turned to reason and science to explain both the physical universe and human behavior. Those like Jefferson thought that by discovering the "laws of nature" humanity could be improved.

Jefferson did not invent the ideas that he used to justify the American Revolution. He himself said that he had adopted the "harmonizing sentiments of the day." These ideas were, so to speak, "in the air" at the time.

As a man of the Enlightenment, Jefferson was well acquainted with British history and political philosophy. He also had read the statements of independence drafted by Virginia and other colonies as well as the writings of fellow revolutionaries like Tom Paine [http://www.spartacus.schoolnet.co.uk/PRpaine.htm] and George Mason [http://odur.let.rug.nl/%7Eusa/B/gmason/gmasxx.htm]. In composing the declaration, Jefferson followed the format of the English Declaration of Rights [http://www.duhaime.org/Law_museum/uk-billr.htm], written after the Glorious Revolution of 1689.

Most scholars today believe that Jefferson derived the most famous ideas in the Declaration of Independence from the writings of English philosopher John Locke [http://www.duhaime.org/Law_museum/uk-billr.htm]. Locke wrote his *Second Treatise of Government* [http://history.hanover.edu/early/locke/j-l2-001.htm] in 1689 at the time of England's Glorious Revolution, which overthrew the rule of James II.

Locke wrote that all individuals are equal in the sense that they are born with certain "inalienable" natural rights. That is, rights that are God-given and can never be taken or even given away. Among these fundamental natural rights, Locke said, are "life, liberty, and property."

Locke believed that the most basic human law of nature is the preservation of mankind. To serve that purpose, he reasoned, individuals have both a right and a duty to preserve their own lives. Murderers, however, forfeit their right to life since they act outside the law of reason.

Locke also argued that individuals should be free to make choices about how to conduct their own lives as long as they do not interfere with the liberty of others. Locke therefore believed liberty should be far-reaching.

By "property," Locke meant more than land and goods that could be sold, given away, or even confiscated by the government under certain circumstances. Property also referred to ownership of one's self, which included a right to personal well being. Jefferson, however, substituted the phrase, "pursuit of happiness," which Locke and others had used to describe freedom of opportunity as well as the duty to help those in want.

The purpose of government, Locke wrote, is to secure and protect the God-given inalienable natural rights of the people. For their part, the people must obey the laws of their rulers. Thus, a sort of contract exists between the rulers and the ruled. But, Locke concluded, if a government persecutes its people with "a long train of abuses" over an extended period, the people have the right to resist that government, alter or abolish it, and create a new political system.

Jefferson adopted John Locke's theory of natural rights to provide a reason for revolution. He then went on to offer proof that revolution was necessary in 1776 to end King George's tyranny over the colonists.

"All Men Are Created Equal"

Since 1776, no words in the Declaration of Independence have received more attention than Jefferson's phrase, "All men are created equal." But how could Jefferson and the other signers of the declaration believe this when slavery existed in the colonies? Some slave owners argued that slaves would become equal and worthy of natural rights only when they became civilized. For Jefferson, a life-long owner of slaves, this was a much more complex issue.

At an early age, Jefferson concluded that slavery was wrong. To his credit, he attempted to denounce slavery, or at least the slave trade, in the Declaration of Independence. Some scholars believe that Jefferson agreed with the Scottish philosopher, Francis Hutcheson, that all men are born morally equal to one another and that "Nature makes none masters, none slaves." But, how does this explain that Jefferson kept most of his slaves throughout his lifetime?

It appears that while Jefferson opposed slavery in principle, he saw no obvious way to end it once it became established. If the slaves were freed all at once, Jefferson feared that white prejudice and black bitterness would result in a war of extermination that the whites would win. He fretted that if slaves were individually emancipated they would

have nowhere to go and no means to survive on their own. Of course, Jefferson along with most other Southern plantation owners were also economically dependent on slave labor.

The best Jefferson could come up with was a plan to take slave children from their parents and put them in schools to be educated and taught a trade at public expense. Upon becoming adults, they would be transported to a colony somewhere and given tools and work animals to start a new life as a "free and independent people."

Nothing ever came of Jefferson's fanciful plan. Slavery in the new United States of America would last another 89 years until the end of the Civil War. But even then, the equality promised in the Declaration of Independence was denied not only to African Americans, but also to other minorities and women. Even today, Americans are still not certain what equality means in such areas as affirmative action, sex discrimination, and gay rights.

The Declaration of Independence has no legal authority. It is not part of the basic law of the United States like the Constitution and the Bill of Rights. But its words have resonated as the ideals of the United States. Abolitionists in the 19th century asked Americans to live up to the ideal of equality and eliminate slavery. The civil rights movement of the 20th century pressured America to honor the commitment made in the declaration. The document still speaks to us today about the rights of Americans, as it did in 1776.

The Declaration of Independence and Natural Rights

Activities

For Discussion and Writing

1. List the main ideas in John Locke's theory of natural rights and revolution. Then read Jefferson's first two paragraphs in the Declaration of Independence. What similarities and differences do you see?

2. Write a letter to Thomas Jefferson expressing your views on his ideas about equality and slavery.

3. "All men are created equal." What do you think this means for us today?

For Further Information

Two interviews with with Pauline Maier, a Professor of History at MIT and author of *American Scripture: Making the Declaration of Independence*. PBS Newhour at http://www.pbs.org/newshour/gergen/july97/maier_7-4.html

ACTIVITY

"Life, Liberty, and the Pursuit of Happiness"

In this activity, students discuss some of the ideals in the Declaration of Independence.

1. Form small groups to discuss the meaning of the three natural rights that Jefferson identified in the Declaration of Independence: "Life, Liberty, and the Pursuit of Happiness."

2. For each one of the three rights, group members should answer this question: What does this right specifically refer to in our lives today?

3. The groups should then post their answers for the rest of the class to see.

4. Hold a general class discussion and vote, if necessary, to drop or keep the meanings that each group has developed for the three rights.

Reflecting on September 11
Foundations of the Constitution

The Federalist Papers

A nation without a national government is, in my view, an awful spectacle.
--Alexander Hamilton, *The Federalist Papers*, No. 85

After the Revolutionary War, many Americans realized that the government established by the Articles of Confederation was not working. America needed a new form of government. It had to be strong enough to maintain national unity over a large geographic area, but not so strong as to become a tyranny.

Unable to find an exact model in history to fit America's unique situation, delegates met at Philadelphia in 1787 to create their own solution to the problem. Their creation was the United States Constitution.

Before the Constitution could become "the supreme law of the land," it had to be ratified or approved by at least nine of the thirteen states. When the delegates to the Philadelphia Convention signed the Constitution on September 17, 1787, they knew ratification would not be easy. Many people were bitterly opposed to the proposed new system of government. A public debate soon erupted in each of the states over whether the new Constitution should be accepted. More important, it was a crucial debate on the future of the United States.

The Federalist Papers

Nowhere was the furor over the proposed Constitution more intense than in New York. Within days after it was signed, the Constitution became the subject of widespread criticism in the New York newspapers. Many commentators charged that the Constitution diminished the rights Americans had won in the Revolution.

Fearful that the cause for the Constitution might be lost in his home state, Alexander Hamilton devised a plan to write a series of letters or essays rebutting the critics. It is not surprising that Hamilton, a brilliant lawyer, came forward at this moment to defend the new Constitution. At Philadelphia, he was the only New Yorker to have signed the Constitution. The other New York delegates had angrily left the Convention convinced that the rights of the people were being abandoned.

Hamilton himself was very much in favor of strengthening the central government. Hamilton's Constitution would have called for a president elected for life with the power

to appoint state governors. Hamilton soon backed away from these ideas, and decided that the Constitution, as written, was the best one possible.

Hamilton published his first essay in the New York Independent Journal on October 27, 1787. He signed the articles with the Roman name "Publius." (The use of pseudonyms by writers on public affairs was a common practice.) Hamilton soon recruited two others, James Madison and John Jay, to contribute essays to the series. They also used the pseudonym "Publius."

James Madison, sometimes called the Father of the Constitution, had played a major role during the Philadelphia Convention. As a delegate from Virginia, he participated actively in the debates. He also kept detailed notes of the proceedings and drafted much of the Constitution.

Unlike Hamilton and Madison, John Jay of New York had not been a delegate to the Constitutional Convention. A judge and diplomat, he was serving as secretary of foreign affairs in the national government. Between October 1787 and August 1788, "Publius" wrote 85 essays in several New York newspapers. Hamilton wrote over 60 percent of these essays and helped with the writing of others. Madison probably wrote about a third of them with Jay composing the rest.

The essays had an immediate impact on the ratification debate in New York and in the other states. The demand for reprints was so great that one New York newspaper publisher printed the essays together in two volumes entitled The Federalist, A Collection of Essays, written in favor of the New Constitution, By a Citizen of New York. By this time the identity of "Publius," never a well-kept secret, was pretty well known.

The Federalist, also called *The Federalist Papers*, has served two very different purposes in American history. The 85 essays succeeded by helping to persuade doubtful New Yorkers to ratify the Constitution. Today, The Federalist Papers helps us to more clearly understand what the writers of the Constitution had in mind when they drafted that amazing document 200 years ago.

The complete text of *The Federalist Papers* is at
http://memory.loc.gov/const/fed/fedpapers.html

The Federalist Papers
Activities

ACTIVITY - A Guide for Government

What follow are quotations from several essays in The Federalist Papers. After each selection are two kinds of activities. The first activity includes questions that should be discussed and answered by the whole class or in small groups. If necessary, refer to a dictionary or your government textbook. The second activity after each selection is intended as an individual or homework assignment.

Federalist Paper 23--Alexander Hamilton

The principle purposes to be answered by Union are these -- The common defense of the members -- the preservation of the public peace as well as against internal convulsions as external attacks -- the regulation of commerce with other nations and between the States -- the superintendence of our intercourse, political and commercial, with foreign countries.

For Discussion

1. According to Hamilton, what are the main purposes of forming a Union under the Constitution? Make a list in your own words.

2. Do the majority of Hamilton's purposes relate to domestic or to foreign affairs?

Individual Assignment

Which one of Hamilton's purposes do you think is the most important for the United States today? Explain your answer in about 100 words.

Federalist Paper 47--James Madison

The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.

For Discussion

1. According to this excerpt, do you think Madison supported or opposed the principle of "separation of powers"? (Refer to your government textbook if you are not familiar with this term.)

2. Why do you think Madison held this view of the "separation of powers"?

Individual Assignment

In about 100 words, describe a government in which all legislative, executive and judicial power is in the hands of one person or a single small group.

Federalist Paper 51--James Madison

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.

For Discussion

1. Which of the following statements would Madison agree with based on his views in the above excerpt?

   a. Government is necessary.
   b. The people should elect government leaders who act like angels.
   c. Elected government officials should be controlled by a system of "checks and balances." (Refer to your government textbook if you are not familiar with this term.

2. What would you say was Madison's general opinion of people in government: angels? devils? something else?

Individual Assignment

Find and describe five examples of "checks and balances" in the Constitution (refer to your government textbook).

Federalist Paper 72--Alexander Hamilton

The original intent of the Constitution was to place no limit on the number of times an individual could be elected president. However, after Franklin D. Roosevelt won four presidential elections in a row, a constitutional amendment (the 22nd) was passed limiting a person to two terms as president. In the following selection, Hamilton argues against limiting the number of presidential terms.

[An] ill effect of the exclusion would be depriving the community of the advantage of the experience gained by the chief magistrate in the exercise of his office. That experience is the parent of wisdom is an adage, the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or more essential than this quality in the government of nations?

For Discussion

1. What argument does Hamilton give against limiting the number of times a person may be elected president?

2. What could have been one of the arguments used by those who proposed the 22nd Amendment?

Individual Assignment

President Reagan remarked that there should not be a limit on the number of times a person may serve as president. Do you agree we should go back to the original intent of the Constitution and allow individuals to be elected for any number of presidential terms? Explain your answer in about 100 words.

Federalist Paper 78--Alexander Hamilton

"If then the courts of justice are to be considered as the bulwarks of a limited constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges, which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the constitution and the rights of individuals from the effects of . . . designing men."

For Discussion

1. What does Hamilton mean by "the permanent tenure of judicial offices"? Does Hamilton support or oppose this idea?

2. What does Hamilton mean when he says that an "independent spirit in the judges" is essential for them to do their duty?

Individual Assignment

Write a letter of about 100 words to the editor of a newspaper agreeing or disagreeing with the view that the U.S. Supreme Court justices should be elected for limited terms of office.

For Further Reading

Cooke, Jacob E., ed. *The Federalist*. Middletown, Conn.: Wesleyan University Press, 1961.

Van Doren, Carl. *The Great Rehearsal: The Story of the Making and Ratifying of the Constitution of the United States*. New York: The Viking Press, 1948.

Reflecting on September 11
Foundations of Our Constitution

Aristotle: In Search of the Best Constitution

He who commands that law should rule may thus be regarded as commanding God and reason alone should rule; he who commands that a man should rule adds the character of the beast.

-- from Aristotle's *Politics*

When George Washington, James Madison and the other framers of the Constitution assembled at Philadelphia in the summer of 1787, they soon decided, without much discussion, to abandon their original task of revising the Articles of Confederation. Instead, they set about creating a new system of government.

Since the delegates to the Philadelphia convention represented so many different interests, this would prove no easy task. There were Northerners and Southerners. There were men from big states and small. Some came from rural farming areas while others represented cities where manufacturing or trade dominated.

Despite their differences, the delegates did have one thing in common: they were educated men. They had studied history and great political philosophers such as Locke and Montesquieu. Through that long, hot summer in Philadelphia, great ideas from the past would inspire the delegates in shaping the future of the United States.

One of the political philosophers who influenced the framers was an ancient Greek, Aristotle. He lived, taught and wrote more than 2,000 years earlier. The writings of Aristotle helped guide the Philadelphia delegates in writing the new American Constitution.

Student, Teacher, Scientist

Born in 384 B. C., Aristotle came from a middle-class family. At age 17, he entered the Academy at Athens, a noted Greek school headed at the time by the famous philosopher Plato. Here Aristotle studied mathematics, astronomy, medicine, biology, ethics and the law. He remained at the Academy, as Plato's best student, for 20 years.

In 342 B. C., Philip of Macedonia invited Aristotle to tutor his 13-year-old son Alexander. Aristotle served as Alexander's teacher for seven years. When Alexander became king of Macedonia in 336 B. C., Aristotle returned to Athens to begin the most productive stage of his life.

At age 49, Aristotle established his own philosophy school called the Lyceum in Athens. Here he studied, catalogued, lectured, debated, and wrote about every area of knowledge known in the ancient world.

Aristotle and Politics

One of Aristotle's many interests was government. He studied how people in all times and places known to him were ruled. Toward the end of his years at the Lyceum, Aristotle lectured and wrote a number of essays on government. Taken together, these essays make up a book that today we know as Aristotle's Politics.

In Aristotle's time, Greece was not a unified nation. It consisted of many independent city-states, each with its own form of government. Most of the city-states were small, only 100 square miles or less with populations rarely exceeding 10,000.

The term "constitution" had a different meaning to Aristotle than it does to us today. The constitutions Aristotle envisioned were not single, organized documents like the one created at Philadelphia in 1787. Ancient Greek constitutions consisted of all the customs, rules and laws about how a city-state should be governed. These customs, rules and laws were sometimes written, but often not. Still, everyone understood what they were. Aristotle wrote that a constitution "is the way of life of a citizen-body." According to Aristotle, citizens were "all who share in the civic life of ruling and being ruled in turn."

Citizenship in the city-states was a status granted only to certain groups, depending on the form of government. In some, only the rich were full citizens. In others, all free-born men enjoyed full citizenship. Children, women and slaves were not considered citizens.

"Right" and Wrong" Constitutions

Aristotle identified six different kinds of constitutions, and he classified them as either "right" or "wrong." According to Aristotle, "right" constitutions served the common interests of all citizens. "Wrong" constitutions served only the selfish interests of a certain person or group. On the chart below, the "wrong" constitutions are shown as corrupted forms of the right constitutions:

Rulers	Right (Common Interest)	Wrong (Personal Interest)
One	Kingship	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy

Kingship, the first "right" constitution identified by Aristotle, is rule by a single man who becomes a ruler through heredity or election. Aristotle thought kings have the advantage of acting quickly and decisively in emergencies. Still, kings are subject to emotions and cannot handle all necessary matters at once. For these reasons, Aristotle argued, kings should not possess absolute power. They should be limited by the law. When kings rule, Aristotle says in the Politics, "they should be made 'law guardians' or ministers of the

law."

What happens when a king uses his power to benefit only himself and not the common interest? In this case a king becomes a tyrant. Tyranny, the corrupt form of kingship, is the first example of a "wrong" constitution. Tyrants use force to oppress all others and are interested only in their own personal gain.

Aristotle classified aristocracy as one of his "right" constitutions. Aristocracies are societies governed by a small group of men chosen because they are the "best." In Aristotle's view, aristocrats are men of wealth and leisure who have developed their minds so that they have superior intellects. Aristotle believed that these men would only rule for the benefit of all. But when an aristocracy rules for the benefit of the rich, it becomes an oligarchy, another one of Aristotle's "wrong" constitutions. Oligarchies were one of the common forms of government found in the Greek city-states.

During his lifetime in Athens, Aristotle lectured and wrote on politics at his school. Even though Athens was a democratic city-state, Aristotle was never a fan of democracy and he included it as one of his "wrong" constitutions. Aristotle believed democracy meant that every free-born man had the right and duty to help rule the city. Thus, both rich and poor, educated and ignorant, intelligent and dull-witted could attend the Assembly meetings, vote and hold public office.

Aristotle saw danger in this form of government. The poor majority would always be able to outvote the wealthy and the best. The poor could ruin a state by overtaxing the rich and confiscating their property. In other words, a democracy could easily become a tyranny with many heads.

Aristotle also feared the rise of demagogues in a democracy. Demagogues are power-seekers who gained influence by appealing to the emotions of the people.

Even with his reservations, Aristotle was not totally against democracy. "There is this to be said for the Many," he wrote in the Politics. "Each of them by himself may not be of a good quality; but when they all come together it is possible that they may surpass...the quality of the few best."

The Best Constitution

Aristotle found things to criticize about all the "right" and "wrong" constitutions discussed above. So what did he decide was the best constitution?

He decided on a balanced one based on the Greek principle that the extremes in life should be avoided in favor of the moderate middle. One should neither eat too much nor too little. One should neither exercise excessively nor spend most of the time sleeping. As in life, so with government, Aristotle believed.

Aristotle concluded that mixing two extreme "wrong" constitutions, oligarchy and democracy, would result in a moderate "right" one. In this case, two "wrongs" would

make a "right." Aristotle called this moderate mixed constitution a polity and believed that it would best serve the common interest of all citizens in most states.

At Philadelphia some 2,000 years after Aristotle's time, a group of men were also searching for the best constitution. America was in many ways quite different from Aristotle's Greece. For one thing, the 13 American states were a lot bigger than Athens or any of the other ancient Greek city-states. Still, the framers at Philadelphia understood Aristotle's political ideas and passed them on to us in the document they created. Among these ideas are the belief in the rule of law, moderation and a government that serves the common interest of all citizens.

Aristotle: In Search of the Best Constitution Activities

For Discussion and Writing

1. Contrast democracy in ancient Athens with democracy in the United States today.

2. The world has changed a great deal since Aristotle's time. Are there still forms of government similar to the ones he described? Tyranny? Oligarchy? Demagogues?

3. What do each of the following quotations from Aristotle's Politics mean?

   a. "Where the laws are not sovereign, there is no constitution."
   b. "The best way of life is one which consists in the mean."
   c. "The good in the sphere of politics is justice; and justice consists in what tends to promote the common interest."

The complete text of the U.S. Constitution is at http://www.crf-usa.org/links/cja/US_Constitution.htm

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ACTIVITY - Two Countries

1. Meet in small discussion groups to do this activity.

2. Imagine that at some time in the future only two countries exist in the world: Freeland and Leaderland. Since you have nowhere else to go, you must choose one of these countries in which to live. Which one would you pick? Why?

   Freeland

   In this country the people are free to do whatever they want. Children and adults may decide for themselves if they want to go to school, work, sleep all day, play at the beach, watch videos, get drunk, etc. There are no laws of any kind in Freeland.

   Leaderland

   In this country there are many laws which all have been made by one man: the Leader. The people of this country are told by the Leader and his assistants where to live, how to dress, what jobs to hold, what newspapers to read, and whom to vote for at election time. The people lead safe and orderly lives...as long as they follow the Leader.

3. After discussing the choices above in small groups, meet as a class and vote on which country you prefer. Then discuss the following questions:

- Why did you vote the way you did?
- If you could go to another land, what would it be like? Should there be any laws? Who should make them?
- Assume that Aristotle has come back to life and is visiting your classroom. What do you think his opinion of Freeland and Leaderland would be? What choice do you think he would make?

For Further Reading

Barker, Ernest, ed. and trans. *The Politics of Aristotle*. New York: Oxford University press, 1962.
Hornblower, Simon. *The Greek World*. London: Methuen & Co., 1983.

Reflecting on September 11
Foundations of the Constitution

The Pledge of Allegiance

The pledge began as an intensive communing with...our national history, from the Declaration of Independence onwards; with the makings of the Constitution...with the meaning of the Civil War; with the aspirations of the people...

--Francis Bellamy, author of the original *Pledge of Allegiance*

In 1892, Francis Bellamy, author of the utopian novel *Looking Backward* , wrote and published the first Pledge of Allegiance in his magazine, *Youth's Companion*. It was publicly recited for the first time at the first Columbus Day celebration, held that year.[1] Bellamy's first pledge read: "I pledge allegiance to my flag and to the Republic for which its stands; one nation, indivisible, with liberty and justice for all."[2] The pledge soon became popular and was adopted by schools across the nation.

By the time of the Second World War, many states had made the daily recitation of the pledge mandatory for teachers and students. This led to a controversy about the pledge. In 1940, with the threat of war hanging over the nation, a case went to the U.S. Supreme Court challenging the mandatory pledge law in West Virginia. There, several students refused to recite the pledge on religious grounds. Their parents claimed the law violated the Constitution. The court upheld the law, finding that the state's goal to instill national unity and patriotism should not be overruled by the judiciary unless it significantly affected religious rights.[3]

Three years later, the disputed West Virginia flag salute law came again before the court. This time the court held that no person should be compelled to state beliefs which violated personal conscience or conviction and that while the state could require the pledge, a pupil could not be punished for refusing to say it.[4]

In the 1950s with America embroiled in the Cold War with the Soviet Union, a change was made to the pledge. Wishing to emphasize the philosophical differences between the United States and the communist world, Congress passed a law in 1954, inserting the words "under God" into the pledge. It then read: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

During the turmoil of the 1960s new challenges faced the pledge. Students protesting

U.S. involvement in Vietnam and issues of inequality at home often refused to salute the flag. This prompted a proposed new version of the pledge. At the invitation of *Look* magazine, James Allen, a former U.S. Commissioner of Education, revised the pledge to meet these concerns. His 1970 version read: "I pledge allegiance to the flag of the United States of America and dedicate myself to the principle that the republic for which it stands shall be in truth one Nation, under God, indivisible, dedicated to liberty and justice for all." Allen hoped that by emphasizing the ideals of America and acknowledging that all citizens had not yet achieved them would help revive the pledge.[5]

In 2002, a new controversy surrounded the pledge. An Oregon man who was an atheist, filed suit in federal court on behalf of his child, a public school student. The suit claimed that the classroom recitation of the pledge violated the establishment clause of the First Amendment and constituted a governmental endorsement of religion. (*Newdow v. United States Congress*) The Ninth Circuit Court of Appeals agreed. Its opinion found the phrase "under God" was not merely a passive reference to religion. It also found that schools should not endorse the concept that our country was "under God" by allowing the pledge in classrooms or school events. A storm of protest greeted the court's decision and the judge stayed, or postponed, his order to ban the pledge until the decision could be judicially reviewed.[6]

For 120 years, Americans have recited and debated the pledge of allegiance. It remains to be seen whether or not the courts will overturn the Newdow decision, but it is clear that the pledge remains with us as we move into the 21st century.

The Pledge of Allegiance Activities

For Discussion and Writing

1. Why does the wording of the pledge become controversial in times of national crisis or strife?

2. Read the original version of the pledge carefully. What do you think Francis Bellamy was trying to emphasize? Why?

3. Compare Bellamy's original version with the 1954 version. How did the emphasis of the pledge shift? Why?

4. Read James Allen's proposed 1970 version of the pledge. What was the author trying to accomplish with his wording?

5. Which version of the pledge are you most comfortable with? Explain.

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[1] Stuart Lutz, "Seasons of the Flag," in American Heritage (March 2002), 59.
[2] Lutz, 59.
[3] Minersville School District v. Gobitus, 310. US 586, 1940.
[4] West Virginia Board of Education v. Barnette, 319 U.S. 624, 1943.
[5] Todd Clark, "Change in a Free Society," Bill of Rights Today (Summer, 1971), 1.
[6] Margaret Crosby, "Pledge to Kids," Los Angeles Daily Journal (September 3, 2002), 6.

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